

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Chapter 13
	:	
THOMAS MANOS, and JORDAN MANOS,	:	Case No. 20-20039-JAD
<i>Debtors,</i>	:	
THOMAS MANOS and JORDAN MANOS,	:	Doc. No. _____
<i>Movants,</i>	:	
vs	:	Hearing Date: 8/21/2020
BANK OF AMERICA, N.A., CAPITAL ONE BANK (USA), N.A. ,	:	at 11:00 a.m.
CITIZENS BANK N.A., COUNTY OF ALLEGHENY, DISCOVER BANK,	:	
DUQUESNE LIGHT COMPANY, INTERNAL REVENUE SERVICE, KEY	:	
BANK, N.A., MIDLAND CREDIT MANAGEMENT, INC.,	:	
MUNICIPALITY OF PENN HILLS, PENN HILLS SCHOOL DISTRICT,	:	
PENNSYLVANIA DEPARTMENT OF REVENUE, PEOPLES NATURAL	:	
GAS COMPANY, LLC., PNC BANK, N.A., PORTFOLIO RECOVERY	:	
ASSOCIATES, LLC., VERIZON, WELLS FARGO BANK, N.A. TRUSTEE,	:	
WILKINSBURG-PENN JOINT WATER AUTHORITY, MICHAEL	:	
PIROLLO, ROSEMARY C. CRAWFORD, TRUSTEE, and RONDA J.	:	
WINNECOUR, TRUSTEE,	:	
<i>Respondents</i>	:	

ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

AND NOW, this _____ day of _____, 20____, upon consideration of the *Debtor's Motion for Sale of Real Estate Free and Divested of Liens*, to JOSEPH FRANK WINKLMANN, JR. and JOSEPH JOHN WINKLMANN for \$320,000.00, after hearing held in Courtroom "D", 54th Floor, US Steel Tower, 600 Grant Street, Pittsburgh, PA 15219, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion/Compliant for private sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

7/27/2020

RONDA J. WINNECOUR, CH. 13 TRUSTEE
Suite 3250, U.S. Steel Building
600 Grant Street
Pittsburgh, PA 15219

7/27/2020 BANK OF AMERICA, N.A.
c/o Frederic I. Weinberg, Esquire
The Law Offices of Frederic I. Weinberg and Associates
75 East Elm Street, Suite 210
Conshohocken PA 19428

7/27/2020 KEYBANK, N.A.
c/o Brian M. Kile, Esquire
Grenen & Birsic, PC
One Gateway Center, 9th Floor
Pittsburgh, PA 15222

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1(c) on 7/27/2020, in the Pittsburgh Post-Gazette on 8/6/2020 and in the Pittsburgh Legal Journal on 8/5/2020 as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price \$ 320,000.00 offered by JOSEPH FRANK WINKLMANN, JR. and JOSEPH JOHN WINKLMANN was a full and fair price for the property in question.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.* 788 F.2d 143 (3d Cir. 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the private sale by Special Warranty Deed of the real property described as 4727 Verona Road, Verona, PA 15147, Lot and Block No. 367-J-222 and parcels of land at Lot and Block No. 367-J-240 and 367-J-245 is hereby **CONFIRMED** to JOSEPH FRANK WINKLMANN, JR. and JOSEPH JOHN WINKLMANN for \$320,000.00, free and divested of liens herein described; and that the Movant shall make, execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens, claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens, claims, and interests;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply

with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after Notice and Hearing.

- (1) The following liens/claims: Mortgage to First Niagra Bank, N.A. on 10/31/2016, in the Original Amount of \$205,993.74, recorded in the Recorders Office of Allegheny County, Pennsylvania on 1/30/2017 in Mortgage Book Volume 47510, page 157. KeyBank, N.A. is the successor to First Niagra Bank, N.A., The claim is \$219,978.43, or funds sufficient to satisfy the Mortgage.
- (2) Delinquent real estate taxes, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) The costs of local newspaper advertising in the amount of \$1,423.50 to be paid to MICHAEL S.GEISLER, ESQUIRE
- (5) The costs of legal journal advertising in the amount of \$1,067.20 to be paid to MICHAEL S..GEISLER, ESQUIRE
- (6) The Court approved realtor commission in the amount of \$22,275.00.
- (7) Court approved attorney's fees in the amount of \$1,000.00.
- (8) Reimbursement of the filing fees of \$362.00.
- (9) Chapter 13 "percentage fees" in the amount of \$21,132.74 to *Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 2587, Pittsburgh, PA 15230.*
- (10) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to *Ronda J. Winnecour, Ch. 13 Trustee, P.O. Box 84051, Chicago, IL 60689-4002*; and
- (11) Other: N/A.

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this order and, **within five (5) days following closing**, the Movant shall file a report of sale;
- (2) The Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) **Within five (5) days of the date of this Order**, the Movant shall serve a copy of the within Order on each Respondent/Defendant (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file certificate of service.

JEFFERY A. DELLER
United States Bankruptcy Judge